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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,805	05/24/2001	John C. Seibel	068082.0115	4521
7590	02/23/2004			EXAMINER
Ann C. Livingston Baker Botts L.L.P. 2001 Ross Avenue, Suite 600 Dallas, TX 75201-2980			CHANNAVAJJALA, SRIRAMA T	
			ART UNIT	PAPER NUMBER
			2177	B

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/865,805	SEIBEL ET AL.	
	Examiner	Art Unit	
	Srirama Channavajala	2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 September 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.7-8.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Examiner acknowledges applicant's preliminary amendment filed on 9/26/2001, paper no. # 4.
2. Claims 1-11 are presented for examination.

Drawings

3. The drawings are approved by the Draftsperson under 37 CFR 1.84 or 1.152

Specification

4. The specification of the disclosure is objected to because at paper no. # 4, page 2, applicant cited several related patent applications serial no. Applicant is hereby required to provide applications serial no.# and updated status in response to this office action, paper no. # 9.

Information Disclosure Statement

5. The information disclosure statement filed on 9/26/2001, paper no. # 5, 9/26/2003; paper no. # 7, 10/9/2003; paper no. # 8, 1/6/2003, have been considered and a copy was enclosed with this office action, paper no. # 9.

Priority

6. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged based on the provisional application serial number: 60/206,772, filed on 5/24/2000.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1,4-5,7,10-11, rejected under 35 U.S.C. 102(e) as being anticipated by Lawrence et al., [hereafter Lawrence], US Patent No. 6289342.

8. As to Claims 1 and 7, Lawrence teaches a system which including 'a text indexing system for providing keyword search data for use in a lead generation system' [col 2, line 15-17, line 62-64,col 3, line 10-19, line 22-24, col 6, line 28-32, line 42-45, line 61-64], Lawrence is directed to autonomous citation indexing, more specifically, automatically indexing documents and keyword indexing as detailed in col 2, line 15-17, col 6, line 61-64], 'accessible by the client via the Internet' [see fig 1, col 7, line 64-67,

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col 8, line 1-2], Lawrence specifically teaches for example various search engines such as Alta Vista, HotBot, and Excite for searching information on the Internet; 'a data acquisition process for extracting text data from Internet web sites, Internet news groups, Internet mailing lists, and corporate text files' [col 7, line 62-67, col 8, line 1-18], Lawrence specifically teaches for example user initiates the search by using keywords to crawler module as detailed in fig 1, it is also noted that cite seer formats queries for several search engines for example Alta Vista, HotBot,Excite and like for locating the required information containing keywords. Lawrence also specifically suggests for example web crawl is used for searching and extracting information from not only from various web sites, but also from Usenet newsgroups, intranet mailing lists and like as detailed in col 8, line 3-11], examiner interpreting newsgroups corresponds to usenet newsgroups, internet mailing list corresponds to intranet mailing lists, corporate text files corresponds to CiteSeer database document information containing text from the document, URL of the document as detailed in col 8, line 12-18; 'a database for storing the extracted text data' [col 8, line 12-18], database for storing the extracted text data corresponds to database storing the text from the document, URL of the document, word frequency information for the text of documents and citations and like as detailed in col 8, line 12-18; 'a text indexing server for formulating and executing keyword searches of the database' [col 7, line 29-35, fig 1], text indexing server corresponds to Lawrence's fig 1, element 10, further, it noted that q query processing module that supports search by keyword and browsing by citation links as detailed in col 7,

line 33-35, 'output views representing the results of the searches' [see fig 2-7, col 18, line 2-3], output views representing the results of the searches corresponds to Lawrence's fig 2-7 displaying documents in the web browser; 'a repository for storing the output views' col 8, line 38-45, line 49-50]; 'a web server for providing access to the text indexing server via a web browser and the Internet, such that the client may execute keyword searches on line via the Internet' [fig 1,col 7, line 26-35].

9. As to Claims 4 and 10, Lawrence teaches a system which including 'data acquisition process is implemented with a web crawler' [see fig 1, col 7, line 29-31], web crawler corresponds to Lawrence's crawler module, fig 1, element 12.

10. As to Claim 5 and 11, Lawrence teaches a system which including 'user profiles database, and wherein the mining server further accesses the user profiles database for use in formulating queries' [Lawrence: col 11, line 25-38]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 2-3,6, 8-9 rejected under 35 U.S.C. 103(a) as being unpatentable over Lawrence et al., [hereafter Lawrence], US Patent No. 6289342 in view of Ballard, US Patent No. 6473756.

12. As to Claims 2-3 and 8-9, Lawrence teaches a system which including 'text indexing' [see fig 1, col 6, line 53-56,61-64]. It is however, noted that Lawrence does not specifically teach 'digitally recorded correspondence'. On the other hand, Ballard disclosed 'digitally recorded correspondence' [col 1, line 35-45], digitally recorded

correspondence is equivalent to digitized audio files that are MP3 based as detailed in col 1, line 35-45.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Ballard into autonomous citation indexing and literature browsing using citation context of Lawrence et al., because both are directed to search engines, more specifically both are directed to keyword searching, indexing the contents [see Lawrence: fig 1, Abstract, col 6, line 61-64; Ballard: fig 5, col 5, line 27-42] and are from the same field of endeavor. One of the ordinary skills in the art at the time of applicant's inventions to combine the references because that would have allowed users of Lawrence et al., to use same keywords in the search engine to query digitally recorded files such as audio or multimedia files [Ballard: col 3, line 48-50], thus improving quality and performance of the search engines.

13. As to Claim 6, Ballard teaches a system which including 'data acquisition process further accesses Internet voice to text files' [col 3, line 41-49]

Conclusion

The prior art made of record

- a. US Patent No. 6289342
- b. US Patent No. 6473756

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- b. US Patent No. 6684218
- c. US Patent No. 6381599
- d. US Patent No. 6434548
- e. US Patent No. 6665658
- f. US Patent No. 6058398
- g. US Patent No. 5924068
- h. US Patent No. 6438543
- i. US Patent No. 6026433
- j. US Patent No. 6651065
- k. US Patent No. 6555738
- l. US Patent No. 6256623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703) 308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/746-7238	(After Final Communication)
703/872-9306	(Official Communications)
703/746-7240	(For Status inquiries, draft communication)

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

sc *[Signature]*
Patent Examiner.
February 19, 2004.